

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:** Bart F. Rice  
**Application No.:** 09/759,425  
**Filed:** 1/12/2001  
**Confirmation No.:** 2323  
**For:** SPREAD-SPECTRUM  
ELECTROMAGNETIC SIGNALS

**Art Unit:** 3621

**Examiner:** Backer, Firmin

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted via Electronic Filing System or facsimile (571-273-8300) or USPS to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Kathryn Pundt

8/20/2007

Name of Person Transmitting Correspondence

Date

Signature

MAIL STOP 313 (C)  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

PETITION TO WITHDRAW FROM ISSUE UNDER 37 CFR § 1.313 (c) (2)

Dear Sir:

A Notice of Allowance was mailed in this application on November 15, 2006. On March 28, 2007, this case went abandoned for failure to pay an Issue Fee. On May 29, 2007, Assignee filed a petition to revive this application for unintentional abandonment concurrently with payment of an Issue Fee and submission of an amendment under 37 CFR § 1.312.

Assignee now hereby respectfully petitions to have the present application withdrawn from issue for consideration of a Request for Continued Examination (RCE) submitted herewith under 37 CFR § 1.114 including an Information Disclosure Statement (IDS). As such, Assignee hereby withdraws the May 29, 2007 amendment under 37 CFR § 1.312 and instead requests entry of claim amendments presented in the RCE submitted herewith.

Assignee respectfully submits that the following facts show good and sufficient reasons why such withdrawal of the present application from issue is necessary:

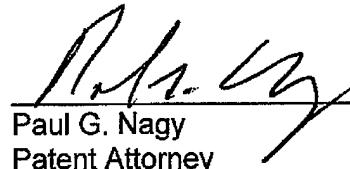
1. U.S. Pat. Appl. Ser. Nos. 10/873,784 (filed on June 21, 2004) and 11/468,923 (filed on August 31, 2006) are claiming priority from the present application;
2. on July 10, 2007, Examiner Rahel Guarino in U.S. Pat. Appl Ser. No. 10/873,784 issued an Office Action rejecting claims in view of U.S. Patent Nos. 4,984,247 and 4,730,340;
3. on July 26, 2007, Examiner Rahel Guarino in U.S. Pat. Appl Ser. No. 11/468,923 issued an Office Action rejecting claims in view of U.S. Patent Nos. 4,601,047 and 4,730,340; and
4. there is no information in correspondence with the USPTO confirming that Examiner in the present application has considered certain information presented in U.S. Pat. Appl. Ser. Nos. 10/873,784 and 11/468,923 in determining the allowability of claims pending in the present application.

To ensure that certain information presented in U.S. Pat. Appl. Ser. Nos. 10/873,784 and 11/468,923 is considered in connection with allowability of claims in the present application, Assignee respectfully submits that withdraw of the present application from issue is necessary. Accordingly, Assignee respectfully petitions to have the present application withdrawn from issue for consideration of the RCE and IDS submitted herewith. If there are any questions regarding this petition, the undersigned may be contacted at (503) 439-6500.

Please charge any shortages and credit any overcharges of any fees required for this submission under 37 CFR § 1.17(h) to Deposit Account number 50-3703.

Respectfully submitted,

Dated: August 20, 2007

  
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Paul G. Nagy  
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